

March 9, 2023

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of March 2023, at 7:00 P.M., and there were

PRESENT: MICHAEL HAEN, MEMBER
 JILL MONACELLI, MEMBER
 KEITH STOERR, MEMBER
 MELISSA STUDLEY, MEMBER
 MARK TILLMANNS, MEMBER
 JOHN MIKOLEY, CHAIRMAN

ABSENT: TONY CASTELLANA MEMBER

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK
 EMILY ORLANDO, DEPUTY TOWN ATTORNEY
 MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF: PAUL & MARY ANN PACER

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Paul and Mary Ann Pacer, 27 Nicholas Lane, Lancaster, New York 14086 for one [1] variance for the purpose of installing an inground pool on premises owned by the petitioner at 27 Nicholas Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster. The request calls for installing an inground pool eight [8] feet from an existing shed.

Chapter 400, Zoning, Section 14, Subsection D, Schedule B of the Code of the Town of Lancaster requires the minimum location for any accessory structure from another structure of ten [10] feet. The petitioner, therefore, requests a two [2] foot variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Paul Pacer, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF: PAUL & MARY ANN PACER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. STOERR WHO MOVED ITS
ADOPTION, SECONDED BY MS. MONACELLI
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Paul & Mary Ann Pacer and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of March 2023, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question/duly authorized agent of the property.

WHEREAS, the property for which the applicant is petitioning is within a Residential District, (R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is not self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

MR. CASTELLANA	WAS ABSENT
MR. HAEN	VOTED YES
MS. MONACELLI	VOTED YES
MR. STOERR	VOTED YES
MS. STUDLEY	VOTED YES
MR. TILLMANNS	VOTED YES
MR. MIKOLEY	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at
7:07 P.M.

Signed _____
Diane M. Terranova, TOWN CLERK and
Clerk to Zoning Board of Appeals
March 9, 2023